

# Grant Application for State-Federal Flood Control System Modification Program



For Fiscal Year 2007-08 Early Implementation Projects

Authorized Under:

The Disaster Preparedness and Flood Prevention Bond Act of 2006  
(Proposition 1E)

and

The Safe Drinking Water, Water Quality and Supply, Flood  
Control, River and Coastal Protection Bond Act of 2006  
(Proposition 84)

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## ***Introduction***

The passage of the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E) and the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), authorizes the California Department of Water Resources (DWR) to issue grants to local agencies under the State-Federal Flood Control System Modification Program. These grants will be for: (a) rehabilitation, reconstruction, or replacement of levees, weirs, bypasses and facilities of the State Plan of Flood Control, and (b) improving or adding facilities to the State Plan of Flood control to increase levels of flood prevention for urban areas. To be eligible, projects must be ready for early implementation in Fiscal Year 2007-08, for which a total of two hundred million dollars (\$200,000,000) has been allocated.

The application selection process consists of two steps. First, to be eligible to receive any funding, submitted applications must meet all of the Governor's applicable eligibility criteria (see Application Review Process on Page 5). If requests for funding within qualifying applications exceed \$200 million, preference will be given to those critically needed projects that will provide the highest flood protection benefits and demonstrate that they are most ready to proceed, in comparison with other applications for construction funding (see Criteria Instructions on Pages 7 and 8). This program requires a local cost-share. For the second step, DWR will apply cost-sharing formulas to those projects that meet all applicable eligibility criteria (subject to available funding). Applicants that could potentially receive funding will then be informed of the local cost share that will be required in order for them to receive funds through this grant program. Applicants must then demonstrate their financial capability to meet those requirements before the final project selection will be made.

Applicants should be aware that any or all of the ten eligibility criteria specified in this Grant Application may be changed, substituted or terminated, and/or other criteria may be added as a result of State legislative actions associated with passage of the FY 2007-08 State budget. If the eligibility criteria are changed by the State legislature following issuance of any conditional funding commitment letters, DWR will notify these applicants of the changes and will request additional information, as needed, to determine if proposed projects meet all applicable revised and/or new criteria. DWR, following the applicants' responses, shall have the option to either (1) cancel the funding commitment with no liability occurring to the State, or (2) offer a revised funding commitment letter, reflecting a changed grant amount and/or other changed conditions, followed by execution of a grant agreement.

## ***General Instructions***

### **Who can apply**

An applicant must be a local public entity that has legal authority and jurisdiction to implement flood control programs or projects that rehabilitate, reconstruct, replace, improve or add to the facilities of the State Plan of Flood Control in the Central Valley, as defined in Proposition 1E, Section 5096.805 (see Appendix 1, Definitions on Page 25).

A local public entity is any political subdivision of the State of California, including, but not limited to, any county, city, city and county, district, joint powers agency, or council of governments.

## **Eligible Flood Damage Reduction Projects and/or Components**

Eligible State-Federal Flood Control System Modification projects may include, but are not limited to:

- The construction or improvements of weirs, bypasses, and channels.
- The construction of levees, such as setback or backup levees.
- The construction of levee improvements, referred to as “levee strengthening” or “levee modifications,” to control seepage, erosion, and slope stability problems, including, but not limited to, deep slurry cutoff walls, cutoff trenches, drainage blankets, toe drain, seepage and stability berms, relief wells, levee armoring, levee toe stabilization, levee widening, and streambank protection measures.
- Raising existing levees to reduce the risk of overtopping and to correct freeboard deficiencies.
- The modification or reoperation of existing dams and waterworks, including spillways, outlets, or other-related capital outlay facilities, for the purpose of improving low-level discharge and flood control storage capacity.

Eligible components of State-federal Flood Control System Modification projects may include, but are not limited to:

- The construction of detention basins necessary for project function.
- Removal of structures located within project area.
- Relocation or reinforcement of utilities within project area.
- The installation of tailwater suppression systems, drainage improvements for flood control systems, flood warning systems, and telemetry devices.
- The purchase of project-required lands, easements, and rights-of-way.
- Capital costs of project-related environmental mitigation.

## **Non-Eligible Projects and/or Components**

- Projects that are not part of the State Plan of Flood Control System for the Central Valley
- Elevation of threatened homes where there is no direct connection with facilities that are part of the State Plan of Flood Control

### **Non-Eligible Components**

- Preliminary work such as planning, reconnaissance-level studies, feasibility studies, and CEQA/NEPA compliance
- Geotechnical investigations of State-federal levees
- Habitat restoration not directly related to projects

## **Eligible and Non-Eligible Costs for Credit or Reimbursement**

**Costs required for implementation of the project incurred by the grantee that are eligible for credit toward the required cost share or for reimbursement include, but are not limited to:**

- a) The reasonable costs of engineering, design, land (includes easements) acquisition, and relocations incurred after November 7, 2006 and after completion of CEQA (and NEPA, if applicable) compliance;
- b) Legal fees incurred after November 7, 2006;
- c) The fair market value of land contributed to the project that was acquired prior to November 7, 2006, including, but not limited to, associated appraisal and entitlement transfer costs;
- d) Environmental mitigation incurred after November 7, 2006; and
- e) Project construction costs incurred after the effective date of the grant agreement, or such costs authorized in writing (before incurring the costs) between the funding commitment date and the effective date of the grant agreement.

Advance funds cannot be provided, except to fund escrow accounts for land acquisition.

**Costs that are not eligible for credit or reimbursement include, but are not limited to:**

- a) Any costs incurred before November 7, 2006 (date of passage of Propositions 1E and 84);
- b) Operation and maintenance costs (including post construction project performance and monitoring costs);
- c) Purchase of equipment that is not an integral part of the project;
- d) Establishing a reserve fund;
- e) Replacement of existing funding sources for ongoing projects;
- f) Support of existing agency requirements and mandates;
- h) Purchase of land in excess of the minimum required acreage necessary to operate as an integral part of the project, as set forth and detailed by engineering and feasibility studies; and
- i) Payment of principal or interest of existing indebtedness, or any interest payments, unless the following conditions are met: the debt is incurred after effective date of a grant agreement with the State, DWR agrees in writing to the eligibility of the costs for reimbursement before the debt is incurred, and the purposes for which the debt is incurred are otherwise reimbursable project costs.

## ***Conflict of Interest, Confidentiality, and Labor Code Compliance***

All participants are subject to State and federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Accordingly, before submitting an application, applicants are urged to seek legal counsel regarding potential conflict of interest concerns and requirements for disclosure. Applicable statutes include, but are not limited to, Government Code, Section 1090, and Public Contract Code, Sections 10410 and 10411, for State conflict of interest requirements.

Applicants should note that by submitting an application, they will waive their rights to the confidentiality of that application. DWR staff will review each application. Once the application is signed and submitted to DWR, any privacy rights, as well as other confidentiality protections afforded by law, will be waived.

Applicants awarded grants shall keep informed of and take all measures necessary to ensure compliance with Labor Code requirements, including but not limited to, Section 1771.5 (b) of the Labor Code regarding public works.

## ***How to Submit an Application***

The application package will be posted at <http://www.floodsafe.water.ca.gov/> website on March 29, 2007; applicants are encouraged to submit any clarifying questions within two weeks of this date. Questions should be sent via e-mail to George Qualley at: [qualley@water.ca.gov](mailto:qualley@water.ca.gov).

DWR will post responses to questions on the website within two working days of receipt, with all responses posted no later than April 13, 2007.

By the due date of May 1, 2007, complete applications must be either mailed (postmarked) or submitted in person to DWR.

Please submit one original, five hard copies, and one electronic copy (in Microsoft Word on a compact disc) of the application to:

Department of Water Resources  
Division of Flood Management  
P.O. Box 942836  
Sacramento, CA 94236-0001  
Attention: George Qualley

or

FedEx/UPS:  
Department of Water Resources  
3310 El Camino Avenue Room 145  
Sacramento, CA 95821  
Attention: George Qualley

DWR staff cannot provide technical assistance to applicants during the application review period. However, DWR staff may contact applicants for clarification of supporting documentation during this period.

# ***Application Review Process***

Applications will first be screened for eligibility, using the Eligibility Criteria listed below, and for completeness, using the checklist contained in Attachment 9 (see Page 24).

Following eligibility screening, DWR will apply cost-sharing formulas to those projects that meet all applicable eligibility criteria. DWR will then inform applicants of the cost-sharing requirements for their project type. Applicants must demonstrate their financial capability to meet the cost-sharing requirements before final project selection can be made. Those applicants will need to complete Attachments 7 and 8 (see Pages 22 and 23).

## **Eligibility Criteria**

The following 10 criteria have been approved by the Governor as part of the Bond Expenditure Plan for Fiscal Year 2007-08. Applicants must submit supporting documentation as required for the applicable criteria described under Criteria Instructions 1 through 10 of this application package.

- Criterion 1:** The project is critically needed or otherwise significantly maximizes public benefits, enhances public safety, and reduces state liability.
- Criterion 2:** The project is ready for early implementation (feasibility investigation and CEQA compliance are near completion) and needs funding in the budget year to maintain or accelerate the design and/or construction schedule.
- Criterion 3:** The project is economically feasible, taking into account both local and system-wide benefits.
- Criterion 4:** If the project protects an existing urban area, there is a strategy by the local agency for achieving 200-year or better flood protection for the area and the project fits into the strategy.
- Criterion 5:** If the project protects a non-urban area, it will restore the design level of flood protection where feasible, consistent with non-urban uses such as agriculture, open space, and habitat in the protected area.
- Criterion 6:** If the project would improve a levee in place, it is because it is clearly infeasible to move the levee and/or there are no significant flood risk management benefits to moving the levee.
- Criterion 7:** The project takes advantage of any feasible opportunities to provide additional room for the river to meander, enhancing channel capacity, reducing maintenance, and providing regional flood risk management and environmental benefits.
- Criterion 8:** The local agency has a sound financial strategy and plan to fund its cost-share to build the project and to then maintain the completed project.

**Criterion 9:** The local agency agrees to provide a detailed emergency response plan acceptable to DWR.

**Criterion 10:** Cities and counties in the protected area formally acknowledge the flood risk.



# ***Criteria Instructions***

## **Criterion 1: Critical Need**

Applicants must demonstrate that their proposed projects are critically needed. They must state the existing level of protection and show that if the existing flood control facilities fail, there will be catastrophic consequences for a significant number of people. These consequences may include major property losses, damage to public infrastructure, and/or damage to the functionality of the flood protection system including related ecosystem functions.

Applicants must provide a detailed description for their proposed projects, including supporting documentation that identifies any critical sites that could be expected to fail during the next high flow event. A map must be provided (in PDF format) to show the project location and potential inundation areas. Include any information that helps describe potential flooding characteristics (depths, duration, velocities, etc.).

Applicants must also demonstrate how the proposed projects will maximize public benefits, enhance public safety, and reduce state liability. Preference will be given to those projects that provide the highest flood protection benefits, resulting in the greatest reduction in residual risk to life, safety, and health; to existing structures and critical infrastructure; and to cultural/recreational/environmental resources. Supporting documentation should include the following:

1. Increase in Level of Flood Protection
  - State the before-project level of flood protection.
  - State the after-project level of flood protection.
  - Characterize any residual risk remaining after the proposed project is implemented and plans to mitigate this risk in case of project failure, overtopping, etc.<sup>1</sup>
2. Risk to life, safety, and health
  - Number of people currently living within flood hazard areas
  - Number of people with special needs currently living within flood hazard areas (elderly, low income, living in institutions, etc.)
  - Projected growth in flood hazard areas, including estimates from the General Plan and any updated information
3. Risk to existing structures
  - Types and numbers of existing structures within flood hazard areas (residential, commercial, industrial, public, etc.)
4. Risk to critical facilities/infrastructure

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<sup>1</sup> Residual risk is defined as “The portion of the flood risk that still exists with the flood damage reduction project implemented” (National Research Council, 2000). Residual risk occurs because flood events may exceed project design levels or projects fail below design levels. Residual risk can be exacerbated if a project increases flood protection levels and thereby induces growth in flood-prone areas.

- Types and numbers of critical facilities/infrastructure within flood hazard areas (water supply and treatment, hospitals, nursing homes, police/fire protection, utilities, highways, airports, flood protection facilities, etc.)
5. Risk to cultural/recreational/environmental resources (parks, wetlands, riparian habitat, etc.)

## **Criterion 2: Readiness to Proceed**

Applicants must demonstrate that their proposed construction projects are ready to proceed in the State's FY 2007-08 budget year. To be considered for construction funding, projects must be ready to bid and/or construct by the end of June 2008 and the factors used to determine the expected project start date must be explained: provide a detailed schedule with supporting documentation including, but not limited to, plans and specifications, CEQA and, if applicable, NEPA compliance, and details on any required permits (see Appendix II on Page 26 for a list of potential permits). Projects deemed most ready to proceed will have completed final design (see Page 20 for the definition of final design), completed CEQA/NEPA compliance, and obtained all applicable permits at the time of application submittal.

DWR may also consider providing grant funds (pending availability of State Fiscal Year 2007-08 funding) to help accelerate design for projects that do not expect to bid and/or begin construction by the end of June 2008; these applicants must demonstrate their proposed project's ability to provide substantial public benefits through enhanced flood protection. Also, for these projects, applicants must enter final design (see Page 20 for the definition of final design) and complete CEQA compliance by the end of June 2008.

If CEQA has been completed at the time of application, include a copy of the Notice of Determination or Notice of Exemption as appropriate with a written statement from the lead agency's legal counsel certifying that no legal challenges have been made within the specified statute of limitations for the Notice of Determination or Notice of Exemption.

For applications that are selected for funding, grantees must demonstrate that they have complied with all applicable requirements of CEQA and NEPA before execution of the grant agreement.

## **Criterion 3: Economic Feasibility**

Applicants must demonstrate, with supporting documentation, that their proposed projects are economically feasible. A project is economically feasible when the present value of its total benefits exceeds the present value of the total costs over the life of the project. Where possible, projects should incorporate multiple objectives (such as flood damage reduction, water supply, and ecosystem restoration, etc.). Consider benefits at both the local and system-wide level. Acceptable approaches for estimating benefits and costs are described in the *Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies* prepared by the United States Water Resources Council, 1983 (<http://www.usace.army.mil/cw/cecw-cp/library/planlib.html>). In addition, DWR has its own economics guidelines, as well as example analyses, which are posted on its Economics website (<http://www.economics.water.ca.gov/>). Computer models for estimating flood damage reduction benefits are available from the US Army Corps of Engineers (HEC-FDA) and the Federal Emergency Management Agency (HAZUS-Multiple Hazard and Mitigation BCA Toolkit). To

conduct the economic analysis, use current price levels (in 2006 dollars), a 50-year analysis period and DWR's discount rate (6%).

If you have any questions about this criterion, contact Steve Cowdin, DWR Economist, at (916) 653-8166; [scowdin@water.ca.gov](mailto:scowdin@water.ca.gov)

#### **Criterion 4: Urban Area Flood Protection Strategy**

Applicants with proposed projects in existing urban areas must demonstrate that their projects will provide, at least, a 200-year level of flood protection and a schedule for completing the work. This also applies to multi-phased projects; applicants must describe their strategy to ensure that the completed multi-phased project, as a whole, will achieve that level of protection. Explain in detail how the proposed project fits into the strategy and schedule to achieve a 200-year level of flood protection.

#### **Criterion 5: Non-Urban Area Flood Protection**

Applicants with proposed projects in non-urban areas must demonstrate that their project design will restore the design level of flood protection, where feasible, consistent with non-urban uses such as agriculture, open space, and habitat in the protected area. Provide supporting documentation regarding the nature of the proposed work, and the level of protection before and after the project.

#### **Criterion 6: Levee In-Place Improvement**

Applicants with proposed levee in-place projects must demonstrate that it is infeasible to move the levee and/or there are no significant flood risk management benefits to moving the levee. Provide supporting documentation to describe the range of alternatives that was considered and evaluated, and to justify that the proposed project is the best alternative. If moving the levee (such as a setback levee) does not provide significant benefits of flood protection, the supporting documentation must include a hydraulic analysis and study using applicable modeling.

#### **Criterion 7: Multi-Objective Benefits**

Applicants must demonstrate that their proposed projects will take advantage of any feasible opportunities to provide additional room for the river to meander, enhance channel capacity, reduce maintenance, and provide regional flood risk management and environmental benefits.

Identify all applicable benefits; provide an explanation, with supporting documentation, as to how the proposed project will achieve these benefits. For example, the construction of a setback levee project might include benefits such as:

- Reduced maintenance and repair by removing channel constrictions
- Reduced need for bank stabilization
- Reduced flood potential downstream
- Reduced water surface elevation at flood stage
- Reduced danger and consequences of levee failures
- Restoration of fluvial geomorphologic processes
- Preservation of habitat for riparian species
- Improved fish habitat and fisheries

## **Criterion 8: Financial Requirement**

This program requires a local cost-share. While applicants will not need to provide documentation demonstrating financial capability at the time of application submittal, they are advised to begin assembling such documentation so they are prepared to meet the short timeline for response later in the process. During the application review process, DWR will notify those applicants whose projects meet all other applicable eligibility criteria of the cost-sharing requirements for their project type. Within one week of notification, those applicants will be required to commit in writing, through a letter signed by the applicant's authorized representative, to providing the required cost share. Within three weeks of notification, the applicant will be required to provide a Financial Plan and Statement of Financial Capability demonstrating that they have the financial resources to adequately fund their portion of the cost share. The Financial Plan and Statement of Financial Capability must be prepared by a person qualified to perform such financial analyses – at a minimum, a Certified Public Accountant (CPA) and, preferably, a Certified Government Financial Manager (CGFM). Those applicants must also demonstrate that they are financially able to properly operate and maintain their completed projects.

### **Financial Plan and Statement of Financial Capability**

The Statement of Financial Capability should include:

- evidence of the applicant's authority to use the identified source or sources of funds,
- information on the applicant's ability to obtain remaining funds (if any),
- a credit analysis that demonstrates the applicant is credit worthy if the applicant is relying on its full faith and credit to obtain remaining funds (as in the use of general obligation bonds, appropriations, or a repayment agreement),
- an analysis that demonstrates the projected revenues or proceeds are certain and are sufficient to cover the applicant's stream of costs through time, if the applicant is relying on non-guaranteed debt (for example, a particular revenue source or limited tax, or bonds backed by such a source),
- comparable data for the third party together with evidence of its legal commitment to the applicant, if the applicant is relying on third party contributions,
- a list of all cash reserves (restricted and unrestricted) and any planned uses of these reserves.

The documentation used in the analyses should include audited financial statements for the last three years of the applicant's operations (balance sheets, income statement, sources and uses of funds statement, most recent annual budget, and, if applicable, water enterprise fund details).

Applicants that need to obtain loans to secure the remaining funds must include, with their Financial Plan and Statement of Financial Capability, information on these loans, including a description of the repayment method (use Attachment 7 – Existing Debt, on page 22, and Attachment 8 – Repayment Method and Loan Security, on page 23).

## **Operation and Maintenance**

Provide a summary of the operation and maintenance cost for your current flood management facilities. Identify the source of revenue to fund such costs.

Provide an estimate of operation and maintenance costs after completion of the project proposed for funding under this application and the impact of these costs on your current O&M budget.

Identify a source of funds to address any additional O&M costs that may result from the project.

## **Criterion 9: Emergency Response Plan**

Applicants that are awarded funding must agree to provide a detailed emergency response plan acceptable to DWR before the completion of their projects. Applicants must also agree to update the plan annually. The plan must cover the entire area affected by the project. DWR is developing emergency response plan requirements that will include criteria and key elements. These requirements will be posted at <http://www.floodsafe.water.ca.gov> by May 30, 2007. In addition, applicants may view the following State agencies' websites for reference materials:

*"The Emergency Planning Guidance for Local Government," "Volume I, The Emergency Planning Guide," "Volume II, Model City Plan," and "Volume III, Model County Plan"* – Office of Emergency Services, (<http://www.oes.ca.gov/Operational/OESHome.nsf>)

*"Flood Preparedness Guide for Levee Maintaining Agencies," "Guidelines for Coordinating Flood Emergency Operations," and "State of California Emergency Plan"* – Department of Water Resources, (<http://www.dfm.water.ca.gov/pubs/pubs.cfm>)

## **Criterion 10: Flood Risk Acknowledgement**

At the time of application submittal, applicants must define the area to be protected and provide supporting documentation. Applicants must identify the current level of flood protection that is afforded to the protected area, according to the best available information from DWR.

Applicants must also identify the level of flood protection that the proposed project will provide, and quantify the residual flood risks that will remain following completion of the flood project (see Criterion 1 on Page 7).

Applicants whose projects are selected for funding must obtain formal acknowledgment of the current flood risk through a resolution(s) to be adopted and signed by the governing bodies of all affected cities or counties and other agencies with flood management responsibilities located in the areas protected by their proposed projects. At the time of application submittal, applicants must agree in writing that they shall submit the resolution(s) within 60 days from the date of the funding commitment letter, or before funding can be disbursed, whichever occurs first. DWR is developing the resolution language to be used; it will be posted at <http://www.floodsafe.water.ca.gov> by May 30, 2007.

*Attachment 1*

## ***Application Cover Sheet***

**Application for a grant under the Safe Drinking Water, Water Quality and Supply, Flood Control, River And Coastal Protection Bond Act of 2006, and the Disaster Preparedness and Flood Prevention Bond Act of 2006.**

The \_\_\_\_\_  
(Exact legal name of local entity applying for the grant)

OF \_\_\_\_\_  
(Mailing address of local entity)

\_\_\_\_\_

of the County of \_\_\_\_\_, State of California, does hereby apply to the California Department of Water Resources for a grant in the amount of  
\$ \_\_\_\_\_

under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and the Disaster Preparedness and Flood Prevention Bond Act of 2006, for the following project:

\_\_\_\_\_  
(Specify project title)

By \_\_\_\_\_ Date \_\_\_\_\_  
(Signature of authorized representative)

\_\_\_\_\_  
(Print or type name of authorized representative)

Title \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

Fax (\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_

***Attachment 2***

## ***Applicant's Representatives***

Project contact person:

Name \_\_\_\_\_

Title \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

Fax (\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_

Alternate contact person:

Name \_\_\_\_\_

Title \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

Fax (\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_

Type of Organization: \_\_\_\_\_  
(Flood control district, reclamation district, city, etc.)

*For the geographic extent of the project:*

California State Senator: \_\_\_\_\_

District No.: \_\_\_\_\_

California State Senator: \_\_\_\_\_

District No.: \_\_\_\_\_

California Assembly Member:  
\_\_\_\_\_

District No.: \_\_\_\_\_

California Assembly Member:  
\_\_\_\_\_

District No.: \_\_\_\_\_

Attach a copy of applicant's charter and the names and titles of its officers.

**Attachment 3**

## ***Applicant's Legal Authority***

The applicant's attorney shall answer the following seven questions pertaining specifically to this grant application. For each question, cite statutory authority or other references.

1. Does the applicant have the legal authority to enter into a grant contract with the State of California?

Briefly describe the procedural steps required by law for the applicant to contract with the State.

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Cite the statutory authority under which the applicant may obtain funds for the purpose, amount, and duration requested.

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2. What is the statutory authority under which the local public entity was formed and is authorized to operate?

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3. Is the applicant required to hold an election before entering into a funding contract with the State or carrying out the project?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Cite the statutory authority or other references.

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4. Will a funding agreement between the applicant and the State of California be subject to review and/or approval by other government agencies?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Identify all such agencies (*e.g., Local Area Formation Commission, local governments, U.S. Forest Service, California Coastal Commission, Health Services, etc.*).

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**Continued on next page.**



*Attachment 3 (continued)*

***Applicant's Legal Authority (continued)***

5. Does the applicant have legal authority and jurisdiction to implement a flood control program as part of the State Plan of Flood Control? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, cite the statutory authority or other references:

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6. Does the applicant have the legal authority to levy assessments and charges sufficient to meet its cost share and maintain the completed project? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, cite the statutory authority or other references:

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\_\_\_\_\_  
*(Signature of attorney representing the applicant)*

\_\_\_\_\_  
*(Applicant - agency, city, county, or other)*

## *Authorizing Resolution*

Resolution No. \_\_\_\_\_

Resolved by the \_\_\_\_\_  
(Governing body, city council, or other)

of the \_\_\_\_\_  
(Applicant-agency, city, county, or other)

that pursuant and subject to all of the terms and provisions of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and the Disaster Preparedness and Flood Prevention Bond Act of 2006, application by \_\_\_\_\_ be made to the California Department of  
(Agency, city, county, or other)

Water Resources to obtain a grant for a State-Federal Flood Control System Modification Program project titled: \_\_\_\_\_  
(Project title)

The \_\_\_\_\_ of the  
(Presiding officer, president, city manager, or other official)


\_\_\_\_\_ is hereby authorized and directed to  
(Agency, city, county, or other)

prepare the necessary data, make investigations, sign, and file such application with the California Department of Water Resources.

Passed and adopted at a regular meeting of the \_\_\_\_\_  
(Board of Directors, Supervisors, etc.)

of the \_\_\_\_\_  
(Name of applicant)

on \_\_\_\_\_  
(Date)



*Affix official  
seal here*

Authorized Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Clerk/Secretary \_\_\_\_\_

## ***Engineering Certification Statement***

### ***Engineering feasibility statement***

I, \_\_\_\_\_  
a California registered civil engineer, have reviewed the information presented in support of this application. Based on this information, and any other knowledge I have regarding the proposed project, I find that it can be designed, constructed, and operated to accomplish the purpose for which it is planned. The information I have reviewed to document this statement is included (*feasibility studies, engineering design studies, geotechnical investigations, etc.*).

\_\_\_\_\_  
(*Original signature, registration number and expiration date*)

## Project Cost

(1) Prepare a detailed budget for the proposed project (*complete Project Budget—Capital Costs Table on Page 19*); state design level (see Page 20). Contingency costs must be included in the budget. In addition to the dollar amount, state the percent contingency for all applicable line items. **Provide details on a separate page, including item description and justification for the contingency percentage.**

(2) Provide financing information about the proposed project (*see below*).

Total cost of project: \$ \_\_\_\_\_

Amount to be funded under the Safe Drinking  
Water, Water Quality and Supply, Flood Control, River and  
Coastal Protection Bond Act of 2006, and the Disaster  
Preparedness and Flood Prevention Bond Act of 2006 \$ \_\_\_\_\_

***(Complete the information below only if you are notified by DWR after application submittal.)***

Indicate applicant's source of funds: \_\_\_\_\_

Amount to be funded externally: \$ \_\_\_\_\_  
(Include any other pending loan or grant applications)

Lender/Grantor: \_\_\_\_\_

Lender/Grantor: \_\_\_\_\_

Type of Financing \_\_\_\_\_

Type of Financing \_\_\_\_\_

Amount: \$ \_\_\_\_\_

Amount: \$ \_\_\_\_\_

Interest Rate \_\_\_\_\_ Percent

Interest Rate \_\_\_\_\_ Percent

Term: \_\_\_\_\_ Years

Term: \_\_\_\_\_ Years

Annual Payment: \$ \_\_\_\_\_

Annual Payment: \$ \_\_\_\_\_

***\*If additional project financing consists of loans from any source, please complete Attachments 7 and 8 on Pages 22 and 23***

*Attachment 6 (continued)*

**Project Budget – Capital Costs Table**

<b>Capital Cost Category</b>	<b>Item Quantity</b>	<b>Unit Cost in Dollars</b>	<b>Extended Cost in Dollars</b>	<b>Contingency Cost in Dollars &amp; %</b>	<b>Subtotals</b>
Land Purchase/ Easement					
Planning/Design/ Engineering/Environmental Documentation					
Construction					
Environmental Compliance/Mitigation/ Enhancement					
Construction Administration					
Direct Project Administration					
Other					
<b>TOTALS</b>					

For each of the categories shown in the table above, the applicant must provide supplemental detailed costs for each project as follows: If any contingency amounts are used in the estimate, provide an explanation for the rationale used to determine the contingency percentage.

# ***Instructions for Project Budget - Capital Cost Table***

## **Land Purchase/Easement**

Detail shall distinguish whether the cost is for purchase of land or an easement to use the land. Explain whether the land purchase is to be a proposed acquisition or the land is already owned by the applicant or partner agency/organization. If the land is already owned by the applicant or partner agency/organization, indicate when the land was purchased and the purchase price. If the entire land purchase is not dedicated to the proposal project, indicate what portion is and the value of that portion.

## **Planning/Design/Engineering/Environmental Documentation**

Detail shall include hourly wage paid by discipline, number of hours, and the total cost for the particular item (i.e., 60% design, final design [See below for discussion of design stages], engineering field investigations, preparation of CEQA documentation etc.).

For the purposes of this application, the following design stage definitions are provided to assist applicants in determining their design percentage for the project under design:

- **10% (Conceptual) Design** – The 10% design shows project siting and the layout of major facilities. No specifications are provided. Design analysis has been started and is nearing completion. Background geotechnical, geologic, and seismic literature research has been performed. A listing of project objectives, environmental or infrastructure constraints is provided.
- **30 % (Concept) Design** – The 30% design shows project siting and all project appurtenances. Some detail is provided for each of the disciplines (such as civil, structural, mechanical, geotechnical, and geology). Design analysis should be complete at this stage. A rough listing of specifications required for the project is provided. Preliminary geotechnical, geologic, and foundation studies have been performed.
- **60% Design** – The 60% design is the same as for the 30% design submittal, with more details provided for each design discipline, including electrical, and traffic control, if applicable. Standard details and outline specifications, including the front end and technical portion, are provided. Foundation studies completed, lab testing performed, structural analysis and/or modeling performed, permitting underway.
- **90% (Pre-final) Design** – The 90% design is the final, un-stamped, submittal. Complete plans and specifications are prepared, and a detailed itemized cost estimate is included.
- **100% (Final) Design** – The 100% design is the design package that will be advertised for project award for construction of project. The package consists of the complete, signed, and “As-Advertised” plans and specifications.

## **Construction**

Provide a cost estimate appropriate to the design stage that is being submitted for the project. For example, if the applicant states that the design for a particular project is at the 60% design stage, then a cost estimate with appropriate detail based on that design stage must be included (see above for guidance on design stages). The estimate should include the quantity of materials used, unit cost, number of units, and, if possible, should have separate costs for labor, equipment, and materials.

## **Environmental Compliance/Mitigation/Enhancement**

This item includes an estimate of all environmental compliance, mitigation, and enhancement costs. The estimate of costs for this work should be provided in the same format as shown for Construction.

## **Construction Administration**

The costs to administer and manage construction of the project must be presented. Provide a discussion of the method used to determine this cost. If a percentage of construction costs is used here, indicate the percentage used. If the estimate will be based on expected hours of effort, list the hours, by discipline, unit cost, equipment costs, and total cost.

## **Direct Project Administration**

Detail shall include: hourly wage paid by discipline, number of hours to be expended for administration, and costs shown for equipment, supplies, or travel, with back-up data provided. Travel proposed to be reimbursed by the grant must be at or below the rates allowed for unrepresented State employees. If project administrative costs are shown as a percentage of a cost, include both: a) the total on which the project administration is based (i.e., total project costs, total construction cost, etc.) and b) how the percentage was determined (i.e., flat rate, based on prior experience, etc.). This budget category includes all such costs for the grant recipient and any partner agencies or organizations. Applicants are encouraged to limit administrative costs proposed to be reimbursed by the grant to less than 5% of the total costs for proposed project. Such administrative expenses are the necessary costs incidentally but directly related to the proposed project.

## **Other Costs**

Include detail for any legal services costs required to support the project. Include the costs for licenses and permits. Include any costs of monitoring and assessment required during the construction of the project. Do not include any monitoring and assessment costs for efforts required after project construction is complete.

## **Totals**

Sum each of the columns as shown in the table above to determine the grand total of costs for the proposed project.

## Attachment 7

# Existing Debt

(Complete this form only if there are loans from other sources or bonds associated with project financing, and you are notified by DWR after application submittal.)

### Existing debt

Summarize all existing agency long-term indebtedness, including bonds and any pending indebtedness. If necessary, include additional pages.

<b>Lender:</b>	<b>Lender:</b>	<b>Lender:</b>
Original Principal \$ _____	Original Principal \$ _____	Original Principal \$ _____
Purpose: _____	Purpose: _____	Purpose: _____
Original Date: _____	Original Date: _____	Original Date: _____
Original Terms: Percent _____ Years _____	Original Terms: Percent _____ Years _____	Original Terms: Percent _____ Years _____
Annual Payment _____	Annual Payment _____	Annual Payment _____
Current Principal \$ _____	Current Principal \$ _____	Current Principal \$ _____
Remaining years to pay _____	Remaining years to pay _____	Remaining years to pay _____

Has this agency ever issued bonds or notes for debt? ☐ Yes ☐ No  
If yes, provide the following information for the two most recent issues:

<b>Purpose</b>	<b>Purpose</b>																														
<table border="0"> <tr> <td><b>General Obligation</b></td> <td><b>Revenue Bond</b></td> <td><b>Other</b></td> </tr> <tr> <td colspan="3"><b>Principal Amount \$</b> _____</td> </tr> <tr> <td colspan="3">Interest Rate</td> </tr> <tr> <td colspan="3">True interest cost _____</td> </tr> <tr> <td colspan="3">Net interest cost _____</td> </tr> </table>	<b>General Obligation</b>	<b>Revenue Bond</b>	<b>Other</b>	<b>Principal Amount \$</b> _____			Interest Rate			True interest cost _____			Net interest cost _____			<table border="0"> <tr> <td><b>General Obligation</b></td> <td><b>Revenue Bond</b></td> <td><b>Other</b></td> </tr> <tr> <td colspan="3"><b>Principal Amount \$</b> _____</td> </tr> <tr> <td colspan="3">Interest Rate</td> </tr> <tr> <td colspan="3">True interest cost _____</td> </tr> <tr> <td colspan="3">Net interest cost _____</td> </tr> </table>	<b>General Obligation</b>	<b>Revenue Bond</b>	<b>Other</b>	<b>Principal Amount \$</b> _____			Interest Rate			True interest cost _____			Net interest cost _____		
<b>General Obligation</b>	<b>Revenue Bond</b>	<b>Other</b>																													
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Interest Rate																															
True interest cost _____																															
Net interest cost _____																															
<b>General Obligation</b>	<b>Revenue Bond</b>	<b>Other</b>																													
<b>Principal Amount \$</b> _____																															
Interest Rate																															
True interest cost _____																															
Net interest cost _____																															
Terms _____ Date of Issue _____ Rating _____ Rating Agency _____	Terms _____ Date of Issue _____ Rating _____ Rating Agency _____																														

How does the loan affect long-term and short-term financial capacity (qualitatively/quantitatively)?  
\_\_\_\_\_  
\_\_\_\_\_

Current debt-to-income ratio: \_\_\_\_\_ (Percent)      After construction of the proposed project: \_\_\_\_\_ (Percent)



**Attachment 8**

# ***Repayment Method and Loan Security***

*(Complete this form only if there are loans from other sources or bonds associated with project financing, and you are notified by DWR after application submittal.)*

## **Repayment Method**

Indicate the agency's proposed method to repay the loan or bonds:

1. Standby charges
2. Excess revenues

Source:

3. Cost savings
4. User fees  
    Flat rate  
    Quantity of water used
5. Assessments
6. Other (*describe*):

If methods 1, 4, or 5 are to be used to repay the loan, include a plan to divide costs among the system users. Use dollar estimates.

## **Loan Security**

Explain how the loan will be secured if required by the lender (dedicated revenues, assessments, etc.). Cite your agency's statutory authority to use this method of loan security.

## **Statutory Authority**

**Attachment 9**

## ***Checklist of Attachments***

*Complete this checklist to confirm all sections and attachments to this application package have been completed or addressed.*

### **Criteria**

- ☐ 1 Critical Need
- ☐ 2 Readiness to Proceed
- ☐ 3 Economic Feasibility
- ☐ 4 Urban Area Flood Protection Strategy
- ☐ 5 Non-Urban Area Flood Protection
- ☐ 6 Levee In-Place Improvement
- ☐ 7 Multi-Objective Benefits
- ☐ 8 Financial Requirement
- ☐ 9 Emergency Response Plan
- ☐ 10 Flood Risk Acknowledgement

### **Attachments:**

- ☐ 1 Application Cover Sheet
- ☐ 2 Applicant Representatives
- ☐ 3 Applicant Authority
- ☐ 4 Authorizing Resolution
- ☐ 5 Engineering Certification Statement
- ☐ 6 Project Costs
- ☐ 7 Existing Debt
- ☐ 8 Repayment Method and Loan Security

*Applicants do not need to submit Attachments 7 and 8 unless notified by DWR after application submittal.*

## ***Appendix I - Definitions***

The following definitions are quoted from Proposition 1E, Article 2, Section 5096.805.

- a. “Board” means the Reclamation Board or successor entity.
- b. “Committee” means the Disaster Preparedness and Flood Prevention Bond Finance Committee, created by Section 5096.957.
- c. “Delta” means the area of the Sacramento-San Joaquin Delta as defined in Section 12220 of the Water Code.
- d. “Department” means the Department of Water Resources.
- e. “Facilities of the State Plan of Flood Control” means the levees, weirs, channels, and other features of the federal and state authorized flood control facilities located in the Sacramento and San Joaquin River drainage basin for which the board or the department has given the assurances of nonfederal cooperation to the United States required for the project, and those facilities identified in Section 8361 of the Water Code.
- f. “Fund” means the Disaster Preparedness and Flood Prevention Bond Fund of 2006 (Proposition 1E), created by Section 5096.806 and the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).
- g. “Project Levees” means the levees that are part of the facilities of the State Plan of Flood Control.
- h. “Restoration” means the improvement of a physical structure or facility and, in the case of natural system and landscape features includes, but is not limited to, a project for the control of erosion, the control and elimination of exotic species, including prescribed burning, fuel hazard reduction, fencing out threats to existing or restored natural resources, road elimination, and other plant and wildlife habitat improvement to increase the natural system value of the property. A restoration project shall include the planning, monitoring, and reporting necessary to ensure successful implementation of the project objectives.
- i. “State General Obligation Bond Law” means the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code).
- j. “State Plan of Flood Control” means the state and federal flood control works, lands, programs, plans, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350 of the Water Code, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6 of the Water Code for which the board or the department has provided the assurances of nonfederal cooperation to the United States, which shall be updated by the department and compiled into a single document entitled “The State Plan of Flood Control.”
- k. “Urban Area” means any contiguous area in which more than 10,000 residents are protected by project levees.

## ***Appendix II —List of Permits***

Applicants need to consider whether any of the permits listed in this Appendix may be needed for construction of their proposed projects, if they are found feasible. Note: This list is not comprehensive; other permits may be required for any given proposed project. An asterisk (\*) indicates that grantees must obtain these permits, if applicable, prior to contract execution for their proposed projects.

### **Type I: Is the project located in the areas listed?**

<u>Geographic Area</u>	<u>Agency</u>	<u>Permit</u>
From 3 miles offshore to 1,000 yards inland	Coastal Commission	Coastal Development Permit
San Francisco, San Pablo, and Suisun bays from high water to 100 feet inland	San Francisco Bay Conservation and Development Commission	Development Permit
Suisun Marsh	San Francisco Bay Conservation and Development Commission	Marsh Development Permit
Lake Tahoe watershed	Tahoe Regional Planning Agency	Development Permit
Floodways in the Central Valley	The Reclamation Board	Encroachment Permit
*Navigable waterways or streams affecting navigable waterways	U.S. Army Corps of Engineers	Section 10 Permit
*Wetlands, including coastal and inland waters, lakes	U.S. Army Corps of Engineers	Section 404 Permit for disposal of dredged material or placement of any fill material into wetlands, lakes, rivers or tributaries
*Wild and scenic rivers	Regional Water Quality Control Board	Section 401 Certification
	The Resources Agency	Approval of diversions; Finding of Compatibility

## Type II: Does the project affect any of the resources listed?

<u>Resource</u>	<u>Agency</u>	<u>Permit</u>
Air	Air Pollution Control District	Authority to Construct and Permit to Operate for Activities emitting pollutants to the atmosphere
*Fish and wildlife habitat	U.S. Fish and Wildlife Service	Fish and Wildlife Agreements
	Department of Fish and Game	Streambed or Lake Alteration Agreements for Activities in streams or lakes and channels, and crossing spawning gravel protection
	Department of Fish and Game	Fish and Wildlife Agreements
*Water rights	State Water Resources Control Board, Regional Boards	Permit to Appropriate and State of Diversion and Use for Activities diverting surface water not previously appropriated
*Water quality	State Water Resources Control Board, Regional Boards	National Pollutant Discharge Permit or Waste Discharge Requirements for discharges to surface water; Water Reclamation Requirements
*Wetlands, including coastal and inland waters, lakes, rivers	U.S. Army Corps of Engineers	Section 404 Permit for disposal of dredged material or placement of any fill material into wetlands, lakes, rivers, or tributaries
*Navigable waters and tributaries to them	U.S. Army Corps of Engineers	Section 10 Permit for dredging, filling dock, groins, land jetties or for any obstruction or effect on the capacity of navigable waters
Navigable water and tributaries to them	Federal Energy Regulatory Commission	FERC License
Beds of navigable waters	State Lands Commission	Land Use Lease for encroachments and docks
*Endangered species	U.S. Fish and Wildlife Service	Section 10a Incidental Take Permit
	Department of Fish and Game	Incidental Take Permit
Drinking water	Department of Health Services	Title 22 Drinking Water Standards
State-federal Flood Control facilities (levees, weirs, and bypasses)	The Reclamation Board	Title 23 California Code of Regulations

### **Type III: Does the project involve any of the following activities?**

<u>Activity</u>	<u>Agency</u>	<u>Permit</u>
Power plants and transmission lines	California Energy Commission	Notice of Intention and Application for Certification
Generation of electrical power	Federal Energy Regulatory Commission	FERC Permit
Conversion of timberland to other uses	Department of Forestry	Timberland Conversion Permit
Cancellation of a Williamson Act Open Space	The Resources Agency	Approval of the Waiver of a Contract Cancellation Fee
Bridge construction	U.S. Coast Guard	Permit for bridges and cause-ways over navigable waters
Mineral prospecting and extraction of State lands	State Lands Commission	Prospecting Permit and Extraction Lease
Oil or gas well	Department of Conservation, Division of Oil and Gas	Oil or Gas Well Permit
Geothermal well	Department of Conservation, Division of Oil and Gas	Geothermal Well Permit
Geothermal prospecting and development on State lands	State Lands Commission	Geothermal Prospecting Permit and Extraction Lease
Encroachment on or across a State highway	Department of Transportation	Encroachment Permit; Utility Encroachment Permit
Construction, alteration, maintenance, operation, and removal of dams or reservoirs	Department of Water Resources, Division of Safety of Dams	Approval of Plans
Construction or alteration of dams	Federal Energy Regulatory Commission	FERC License
Dredging	Department of Fish and Game	Standard or Special Suction
Removal of sand, gravel, and dredge spoils from State-owned lands	State Lands Commission	Grant or Privilege
*Dredging or placement of fill or other materials or structure in wetlands	U.S. Army Corps of Engineers	404 Permit

**Type III: Does the project involve any of the following activities? (*continued*)**

<u>Activity</u>	<u>Agency</u>	<u>Permit</u>
*Water diversion from a State wild or scenic river	Regional Water Quality Control Board	401 Certification
Surface mining	The Resources Agency	Determination of Need and No Adverse Effect
	City or County	Reclamation Plan

**Type IV: Property rights**

Considerations

- Who owns or controls the land? (*Private owner, lessee, public agency owner?*)
- Does the grant applicant have the landowner's permission?